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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,562	12/05/2003	Checrallah Kachouh	740116-498	7991

22204 7590 09/08/2005

NIXON PEABODY, LLP  
401 9TH STREET, NW  
SUITE 900  
WASHINGTON, DC 20004-2128

EXAMINER

ESTREMSKY, GARY WAYNE

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/727,562

Applicant(s)

KACHOUH, CHECRALLAH

Examiner

Gary Estremsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 18, 19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) 6-9, 11-17 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/5/03 and 5/10/04</u> <i>but</i> | 6) <input type="checkbox"/> Other: ____  |

*Handwritten signature/initials*

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an applications filed in Germany on 12/11/02 and 07/28/03. It is noted, however, that applicant has not filed a certified copy of the German applications as required by 35 U.S.C. 119(b).

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "worm comprises a stop" of claim 9, and must show the "single-stage gearing of claim 10 where 'as best understood', only two stage gearing has been shown; ie, 15 to 14, and then 14 to 13. must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 19 and 20 are objected to because of the following informalities:

Claims 19 and 20; ~~–is–~~ should be inserted before "coupled".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10, 21, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As regards claim 10, it's not clear if "single stage gearing" limitation corresponds to what has been disclosed as the invention. 'As best understood', only two-stage gearing has been disclosed.

As regards claim 21, it's not clear which disclosed element(s) correspond to limitation of "displaceable operating element" and it is not clear what is meant by "wherein the actuating element is movable into an action area of the drive for blocking continued motion of the drive by the operating element". 'As bet understood', the disclosed actuating element (13) doesn't move into an action area of the drive (motor) but is always in driveable engagement with the drive, and the drive is not ever put in motion "by the operating element" but is blocked from motion by the ratchet. It's not clear what is meant by the limitation.

As regards claim 22, it is not clear what is meant by "at least one displaceable element further comprising a ratchet, a drive motor and an actuating element". It's not clear what is meant by requirement that one "element" comprises three elements where those three elements appear to have been disclosed as structurally and functionally distinct elements. Inasmuch as the preamble indicates the invention is a "drive for a motor", it is not clear how further structures relate to it, particularly where the claimed invention is further defined in the body of the claim as further including a "a drive motor" and "a drive". It's not clear what disclosed elements are included in the claimed invention which appears to have problems as regards the antecedent basis of the claim terms.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 18, 19, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,390,517 to Ehret.

Ehret '517 teaches Applicant's claim limitations including : a "latch" - 12, a "ratchet" , 18, and a "lock mechanism further comprising a drive having a drive motor" - 101, and an "actuating element" - 34.

As regards claim 2, teeth on 34, 100 anticipate "step-down gearing" limitation.

As regards claim 4, parts including 44 read on broad limitation of "engagement arrangement".

As regards claim 5, part 44 is symmetric at all locations including an area where it interacts with 54 for example. Limitations of "actuating element", "engagement arrangement", and "adjustment area" are all broad since their structure and arrangement is not well-defined in the claim. Further limitations for these elements cannot be improperly imported from the specification.

As regards claims 21 and 22, part 18 reads on "displaceable operating element", part 101 on "drive motor", parts 52,53 on "actuating element", where it's noted that little actual structure of the elements is defined in the claim and that terminology such as "action area", "kinematic chain", and "lies in front" are broad as it is used in the claim and an arrangement that anticipates resulting broad limitation is illustrated in Fig 3-4 for example.

***Allowable Subject Matter***

8. Claims 6-9, 11-17, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,938,253 to Szablewski.

U.S. Pat. No. 6,565,131 to Roos.

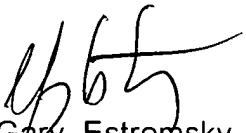
U.S. Pat. No. 6,575,507 to Reddman.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary Estremsky  
Primary Examiner  
Art Unit 3676